

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 29, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-25078 - APPLICANT/OWNER: DANIEL JAGGERS

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

Public Works

2. Coordinate with the Collection System Planning Section of the Department of Public Works prior to the issuance of any permits for this site. The proposed accessory structure shall connect to the City of Las Vegas public sewer system.

VAR-25078 - Staff Report Page One
November 29, 2007 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Variance to allow a proposed 17.125 foot high, 1,200 square-foot Detached Accessory Structure, Class II (garage) where Title 19.08.040 would allow a 12.5-foot high, and 750-square-foot accessory structure on 0.49 acres. The applicant proposes to locate the accessory structure in the rear yard of the corner-lot property located at 4080 Helen Avenue.

Because this proposal is a self-imposed hardship and could be reduced in size and height, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
4/27/06	A two-lot residential Parcel Map (PMP-5932) was recorded for property located on the northeast corner of Florine Avenue and Helen Avenue. This parcel map created the lot for the subject site (APN 138-01-405-008) and the lot of the adjacent eastern property (APN 138-01-405-009) from the subdivision of APN 138-01-405-005.
<i>Related Building Permits/Business Licenses</i>	
9/19/07	Building Permit #98222 processed for a detached garage with workshop. The permit planning review is pending on the outcome of this Variance request.
<i>Pre-Application Meeting</i>	
10/03/07	A pre-application meeting was held with staff to discuss the requirements for submitting a Variance request to allow a proposed detached accessory structure to exceed the height and size requirements as listed in Title 19.08.040.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	
<i>Field Check</i>	
10/30/07	A field check was performed by staff with the following observations: <ul style="list-style-type: none"> Existing Single Family Dwelling on corner lot with street frontage on Helena Avenue and rear yard access off of Florine Street. Rural residential lots approximately one-half acre or larger in the immediate area.

VAR-25078 - Staff Report Page Two
November 29, 2007 - Planning Commission Meeting

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.49 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Dwelling	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single Family Dwelling	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Single Family Dwelling	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single Family Dwelling	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Single Family Dwelling	DR (Desert Rural Density Residential)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District – 105 Feet	X		Y
Trails		X	NA
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

- A-O (Airport Overlay) District**

The purpose of the AO (Airport Overlay) District is to ensure that tall buildings do not encroach upon the airspace designated by the Federal Aviation Administration for the safe take-off and landings of aircraft from local-area airports. The subject site of this proposal is located within the 105-foot height restriction buffer for the North Las Vegas Airport. The 20-foot peak height (versus the 17-foot height as defined by Title 19.20) of the proposed Accessory Structure will have no effect on the 105-foot height restriction in place for the North Las Vegas Airport.

VAR-25078 - Staff Report Page Three
November 29, 2007 - Planning Commission Meeting

• **RPOD (Rural Preservation Overlay) District**

The purpose of the RPOD (Rural Preservation Overlay) District is to ensure that the rural character of each rural preservation neighborhood is preserved. As there is not a proposed increase in the maximum allowable density of dwelling units for this site and the applicant has stated that the intended use is for a workshop and recreational vehicle storage, staff finds that there is no impact with this proposal on the Rural Preservation Overlay District.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.040, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	20,000 sq. ft.	20,912 sq. ft.	Y
Min. Lot Width	100 Feet	140 Feet	Y
Min. Setbacks for Accessory Structure			
• Corner Side Property Line	15 Feet	15 Feet	Y
• Side and Rear Property Lines	3 Feet	60 Feet	Y
• Separation from Primary Structure	6 Feet	27 Feet	Y
Max. Accessory Structure Size (50% of 1,500 sq. ft. primary structure)	750 sq. ft.	1,200 sq. ft.	N
Max. Accessory Structure Height	1-story/12 feet (primary structure height)	17 feet, 1.5 inches	N

ANALYSIS

The applicant is seeking approval to construct a 1,200 square-foot Class II Detached Accessory structure in the rear yard of an existing 1,500 square-foot single family dwelling located at 4080 Helen Avenue. Per Title 19.08.040, the allowable square footage for a detached accessory structure is fifty percent of the floor area of the principal dwelling unit and the allowable height must be less than the primary structure.

In this proposal, the requested 1,200 square-foot structure is 450 square feet larger than the 750 square-feet allowed. Additionally, the proposed 20-foot, three-inch high structure is three feet higher than the existing stucco home.

The request for the Variance stems from a self-imposed hardship that could be eliminated with alternative designs. Therefore, staff recommends denial.

VAR-25078 - Staff Report Page Four
November 29, 2007 - Planning Commission Meeting

FINDINGS

In accordance with the provisions of Title 19.18.070(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing an Accessory Structure that is greater in height and size than what is allowed per Title 19.08.040. An alternative design in reduced scope would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

4

ASSEMBLY DISTRICT

1

SENATE DISTRICT

4

VAR-25078 - Staff Report Page Five
November 29, 2007 - Planning Commission Meeting

NOTICES MAILED 143

APPROVALS 1

PROTESTS 1